

EXHIBIT M

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

NATIONAL EDUCATION
ASSOCIATION;

et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
EDUCATION;

et al.,

Defendants.

Case No.: 1:25-cv-00091-LM

**DECLARATION OF NADIA BEHIZADEH
IN SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

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I, Nadia Behizadeh, hereby declare that

1. My name is Nadia Behizadeh. I am over the age of 18 years. I have personal knowledge of the following facts and if called to testify could and would competently do so.
2. I am offering this Declaration in my individual capacity and not on behalf of the institution that employs me.
3. I currently serve as a Full Professor with tenure at Georgia State University, which receives federal funding. I am an NEA member.

4. I received a bachelor's degree in English from the University of Georgia in 2002, a master's degree in Educational Studies from Emory University in 2011, and a Ph.D. in Educational Studies from Emory University in 2012.
5. I have more than 12 years of professional experience in higher education. In 2012, I joined the faculty at Georgia State University as an Assistant Professor in the Department of Middle and Secondary Education in the College of Education and Human Development. In 2018, I was promoted to Associate Professor, and in 2024, I was promoted to Full Professor.
6. My coursework and research center on social justice teacher education. I teach courses on English language arts methods to preservice teachers (undergraduates) and also research courses for doctoral students in the Ed. D. and Ph.D. programs. My research focuses on writing instruction, critical pedagogy, English language arts ("ELA"), ELA classrooms, and teachers as policy advocates.
7. I have authored more than 50 publications including Behizadeh, N. (2017), Reframing for Social Justice: The Influence of Critical Friendship Groups on Preservice Teachers' Reflective Practice, *Journal of Teacher Education*, and Behizadeh, N. (2023). Complexities in social justice teacher preparation: A CHAT analysis of a preservice teacher navigating university and school contexts. *Teaching and Teacher Education*.
8. I am aware that the U.S. Department of Education issued a Dear Colleague Letter on February 14, 2025, which threatens colleges with investigations and the loss of federal funding based on teaching and scholarship related to diversity, equity and inclusion.
9. My scholarship and teaching include themes related to social justice. I also teach and write about issues of systemic and structural racism, for example critiquing White hegemonic narratives taught in schools and pushing for teacher preparation programs to be more

responsive to the assets and experiences of preservice teachers of color (e.g., Behizadeh, Davis, & Williams, 2023). I teach about equity and inclusion, for example the importance of including LGBTQIA+ literature and experiences in ELA curricula (e.g., Behizadeh & Rabalais, 2024). I worry that a student or anyone else could perceive my scholarship and classroom instruction to teach that people of some races or gender/sexuality carry a moral burden that others do not in violation of the Dear Colleague Letter.

10. I am concerned that the Dear Colleague Letter will affect student expression in the courses I teach. For example, students may feel like they cannot discuss their own or others' experiences with ableism, racism, sexism, and other forms of discrimination because of a perceived ban on discussing topics related to diversity and equity.
11. I am concerned that the Dear Colleague Letter will affect the methods of student assessment that I use in my courses. For example, I ask preservice teachers to develop a critical literacy unit plan that they could use in a middle school classroom. Because critical literacy involves analyzing power and representation in texts and society, I worry that my administration will seek to restrict this form of assessment to comply with the Dear Colleague Letter.
12. I am concerned that the Dear Colleague Letter prohibits the methods of instruction that I use in my courses. For example, I often assign readings that center on the experiences of marginalized peoples in the U.S. and that take a social justice approach, such as Linda Christensen's (2017) *Reading, Writing and Rising Up*. I worry that readings such as these will be perceived as discriminatory as (mis)defined by the Dear Colleague Letter and subject to censorship.

13. My work has already been subject to negative consequences by the federal government because it related to diversity, equity, and inclusion. I have received numerous grants related to education, including U.S. Department of Education grants on “Collaboration and Reflection Enhancing Atlanta Teacher Effectiveness (CREATE).” The CREATE grant, which focused on creating a pipeline of highly qualified teachers for Atlanta area schools with a focus on increasing racial diversity, was recently terminated as part of the Trump administration’s \$900 million cut to contracts funded by the U.S. Department of Education. This experience makes me fear that the Dear Colleague Letter will be used against me in the same way.
14. In 2019, I was appointed as co-director for the Center for Equity and Justice in Teacher Education, for which I have received a course release in the past and credit as service to the college.
15. The Center has provided resources such as teaching tools and research on best practices in teaching. The Center for Equity and Justice in Teacher Education has also sponsored regular Learning Hours for students, faculty, and the community that highlight essential theory and practices for teaching and teacher education. During these learning hours, speakers with expertise in pedagogy, research, and policy related to teaching and teacher education share their expertise with the purpose of sharing knowledge with a broad community of stakeholders in education. The Center’s website included resources for teachers in teacher education as well as students at Georgia State. As an example of the work of the Center, in 2021 when rhetoric around Critical Race Theory was being used to stifle culturally responsive teaching, we hosted a “Dialogue Circle on Critical Race Theory in Teaching and Teacher Education” in 2021, and I served as a co-facilitator of this event. As another

example, in 2023 the Center hosted Dr. Francesca López to discuss the National Education Policy Center Report from 2021 entitled “Understanding the Attacks on Critical Race Theory” that she co-authored.

16. After the issuance of the Dear Colleague Letter, the website for the Center for Equity and Justice in Teacher Education no longer appears on the Georgia State website. I did not receive any communication from school administrators regarding the removal of the website and to my knowledge, none of my other co-directors received any communication.
17. After February 14, 2025, the resources of the Center for Equity and Justice in Teacher Education’s website are no longer available for students at Georgia State University and the broader education community.
18. On February 28, 2025, I was told by the Dean of my college that we need to rework the name and website for the Center for Equity and Justice in Teacher Education at Georgia State University. The Dean also told the Center leaders, including me, that we needed to include a conservative or opposing viewpoint in an upcoming event on teaching the Black freedom struggle scheduled for April 2025. As a result of these changes to the Center and its work, my expertise as a social justice scholar is being undermined, and I feel disturbed by this interference with my academic freedom. These actions send a message that anything related to diversity or inclusion is being censored and have a chilling effect on my and others’ speech. I have also lost the opportunity to fully participate in this service for my college, which is part of my academic responsibilities on which I am evaluated, because Center activities have fully paused as we are being required to focus our energies on developing a new name and mission statement for the Center that does not include diversity, equity, and inclusion.

19. The Dear Colleague letter and the Department of Education's related guidance should not be permitted to stifle my academic speech related to diversity, equity and inclusion. As long as the letter is enforced, I will be unable to fully perform my role as an educator and speak freely on these important topics.

I declare under penalty of perjury that the above is true and correct.

Executed this 13 day of March, 2025.

A handwritten signature in blue ink, appearing to be "MBH", is written above a horizontal line.